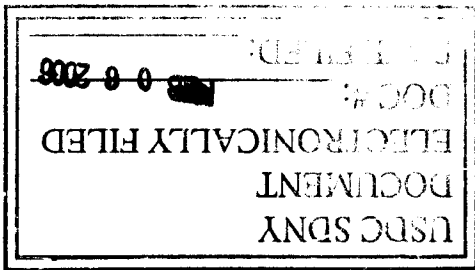


1. From on or about December 23, 1998, up to and including on or about December 29, 1998, in an offense begun out of the jurisdiction of any particular State or district, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mustafa Kamel Mostafa," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and

The Grand Jury charges:

CONSPIRACY TO TAKE HOSTAGES
(THE ATTACK IN YEMEN)

COUNT ONE



S2 04 Cr. 356 (JFK)

INDICTMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-X-
UNITED STATES OF AMERICA
:-
-V.-
MUSTAFA KAMEL MUSTAFA,
a/k/a "Abu Hamza,"
a/k/a "Abu Hamza al-Masri,"
a/k/a "Mustafa Kamel,"
a/k/a "Mustafa Kamel Mostafa,"
OUSSAMA ABULLAH KASSIR,
a/k/a "Abu Abdullah,"
a/k/a "Abu Khadija,"
and
HAROON RASHID ASWAT,
a/k/a "Haroon,"
a/k/a "Haroon Aswat,"
Defendants.
:-X-

with each other to violate Section 1203 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that MUSTAFA KAMEL MUSTAFA, the defendant, and others known and unknown, would and did, inside and outside the United States, unlawfully and knowingly seize and detain and threaten to kill, to injure, and to continue to detain other persons, including two U.S. nationals, in order to compel a third person and a governmental organization, to wit, the government of Yemen, to do and abstain from doing any act as an explicit and implicit condition for the release of the persons detained.

Overt Acts

3. In furtherance of said conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed:

a. In or about late 1998, MUSTAFA KAMEL MUSTAFA, the defendant, provided a co-conspirator not named as a defendant herein ("Co-Conspirator 1"), the leader of the Abyan faction of the Islamic Army of Aden, and a group of co-conspirators not named as defendants herein (hereafter, the "hostage-takers") with a satellite phone.

b. On or about December 27, 1998, MUSTAFA KAMEL MUSTAFA, the defendant, received three telephone calls at his home from the satellite phone he had previously provided to the hostage-takers.

c. On or about December 28, 1998, the hostage-takers stormed a caravan of sport utility vehicles carrying sixteen Western tourists and took the tourists hostage by use of force.

d. On or about December 28, 1998, MUSTAFA KAMEL MUSTAFA, the defendant, spoke to Co-conspirator 1 on the satellite phone after the hostage-taking was already underway. During that telephone call, MUSTAFA KAMEL MUSTAFA, the defendant, agreed to act as an intermediary for Co-conspirator 1 and the hostage-takers, and gave Co-conspirator 1 certain advice related to the hostage-taking.

e. On or about December 29, 1998, after the hostage-taking was underway, MUSTAFA KAMEL MUSTAFA, the defendant, ordered five hundred British pounds worth of additional airtime for the satellite phone being used by the hostage-takers.

f. On or about December 29, 1998, the Yemeni military attempted to rescue the hostages. During the rescue attempt, the hostage-takers used the hostages as human shields and attempted to fight off the Yemeni military. Although the military ultimately overpowered the hostage-takers, during the rescue attempt four of the hostages were killed and several others wounded.

(Title 18, United States Code, Section 1203.)

COUNT TWO

**HOSTAGE-TAKING
(THE ATTACK IN YEMEN)**

The Grand Jury further charges:

4. From on or about December 23, 1998, up to and including on or about December 29, 1998, in an offense begun out of the jurisdiction of any particular State or district, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly, inside and outside the United States, did seize and detain and threaten to kill, to injure, and to continue to detain other persons, including two U.S. nationals, in order to compel a third person and a governmental organization, to wit, the government of Yemen, to do and abstain from doing any act as an explicit and implicit condition for the release of the persons detained.

(Title 18, United States Code, Sections 1203 and 2.)

6. It was a part and an object of the conspiracy that MUSTAFA KAMEL MUSTAFA, OUSSAMA ABDULLAH KASSIR, and HAROON RASHID ASWAT, the defendants, and others known and unknown, would and did, within the United States, provide material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 956 of Title 18, United States Code (conspiring to kill, kidnap, maim, and injure persons and to damage and destroy property in a foreign country), and in preparation for,

5. From in or about October 1999, up to and including in or about early 2000, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," and HAROON RASHID ASWAT, a/k/a "Haroon," at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339A of Title 18, United States Code.

The Grand Jury further charges:

CONSPIRACY TO PROVIDE AND CONCEAL
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(THE BLY, OREGON JIHAD TRAINING CAMP)

COUNT THREE

KASSIR and HAROON RASHID ASWAT, the defendants, to travel from 1999, MUSTAFA KAMEL MUSTAFA, the defendant, asked OUSSAMA ABDULLAH c. In or about late October 1999 or early November

to come in November."

Co-conspirator 2 was "expecting the two brothers that we discussed 2 also communicated to MUSTAFA KAMEL MUSTAFA, the defendant, that piling weapons and ammunition in the United States. Co-conspirator other co-conspirators not named as defendants herein were stock- communicated to MUSTAFA KAMEL MUSTAFA, the defendant, that he and b. On or about October 25, 1999, Co-conspirator 2

jihad training camp.

Conspirator 2 in raising money and establishing the Bly, Oregon MUSTAFA's followers to the United States in order to assist Co-KAMEL MUSTAFA, the defendant, to send two of MUSTAFA KAMEL Oregon. During these discussions, Co-conspirator 2 asked MUSTAFA a U.S. citizen, the creation of a jihad training camp in Bly, conspirator not named as a defendant herein ("Co-conspirator 2"), MUSTAFA KAMEL MUSTAFA, the defendant, discussed with a co-a. On several occasions in or about October 1999,

were committed in the Southern District of New York and elsewhere: illegal object thereof, the following overt acts, among others, 7. In furtherance of said conspiracy, and to effect the

Overt Acts

commission of such violation.

and in carrying out, the concealment and an escape from the

own jihad training in Afghanistan. they supported Osama bin Laden and al Qaeda, and had received their KASSIR and ASWAT also both told individuals at the property that suitability of the Bly, Oregon property for a jihad training camp. MUSTAFA, the defendant, to train people for jihad and to assess the the property that they had been sent there by MUSTAFA KAMEL the Bly, Oregon property, KASSIR and ASWAT both told individuals at KAMEL MUSTAFA, the defendant. After KASSIR and ASWAT arrived at Oregon property with Co-Conspirator 2, as requested by MUSTAFA KASSIR and HARON RASHID ASWAT, the defendants, arrived at the Bly, e. In or about December 1999, OUSSAMA ABDULLAH

defendant. training camp, as requested by MUSTAFA KAMEL MUSTAFA, the to Bly, Oregon, in order to help establish the Bly, Oregon jihad defendants, traveled by bus to Seattle, Washington, and then by car New York, OUSSAMA ABDULLAH KASSIR and HARON RASHID ASWAT, the States at John F. Kennedy International Airport in New York. From and HARON RASHID ASWAT, the defendants, arrived in the United d. On November 26, 1999, OUSSAMA ABDULLAH KASSIR

establishing the Bly, Oregon jihad training camp. thousand British Pounds to pay for expenses incurred while and HARON RASHID ASWAT, the defendants, approximately four MUSTAFA KAMEL MUSTAFA, the defendant, gave OUSSAMA ABDULLAH KASSIR the Bly, Oregon jihad training camp. Prior to their departure, London to the United States in order to assist with establishing

f. In or about December 1999, after he arrived at the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR, the defendant, established security patrols around the perimeter of the property that would constitute the jihad training camp.

g. In or about December 1999, after he arrived at the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR, the defendant, taught two individuals how to kill a person by slitting their throat with a knife and how to fight with a knife in hand-to-hand combat.

h. In or about December 1999, after he arrived at the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR, the defendant, and others discussed a plan to kill truck drivers traveling through Oregon and then steal their cargo for money and goods to support the jihad training camp.

i. In or about December 1999, after they arrived at the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR and HAROON RASHID ASWAT, the defendants, distributed to several individuals a cd-rom containing instructions on how to make bombs and poisons, and told them that they should learn these techniques because they might have to use them in the future.

(Title 18, United States Code, Section 371.)

COUNT FOUR

**PROVIDING AND CONCEALING
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(THE BLY, OREGON JIHAD TRAINING CAMP)**

The Grand Jury further charges:

8. From in or about October 1999, up to and including in or about early 2000, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mustafa Kamel Mostafa," OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," and HAROON RASHID ASWAT, a/k/a "Haroon," a/k/a "Haroon Aswat," the defendants, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, within the United States, provided material support and resources and concealed and disguised the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 956 of Title 18, United States Code (conspiring to kill, kidnap, maim, and injure persons and to damage and destroy property in a foreign country), and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation.

(Title 18, United States Code, Sections 2339A and 2.)

10. It was a part and an object of the conspiracy that MUSTAFA KAMEL MUSTAFA, OUSSAMA ABDULLAH KASSIR, and HAROON RASHID ASWAT, the defendants, and others known and unknown, would and did, within the United States and subject to the jurisdiction of the United States, knowingly provide material support and resources to a foreign terrorist organization, to wit, a terrorist organization known as "al Qaeda" and led by Usama Bin Laden, which was designated by the Secretary of State as a foreign terrorist organization on or about October 8, 1999, pursuant to Section 219

9. From in or about October 1999, up to and including in or about early 2000, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," and HAROON RASHID ASWAT, a/k/a "Haroon," a/k/a "Haroon Aswat," the defendants, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339B of Title 18, United States Code.

The Grand Jury further charges:

CONSPIRACY TO PROVIDE MATERIAL SUPPORT
AND RESOURCES TO A FOREIGN TERRORIST ORGANIZATION
(THE BLY, OREGON JIHAD TRAINING CAMP)

COUNT FIVE

12. From in or about October 1999, up to and including in or about early 2000, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," and HAROON RASHID ASWAT, a/k/a "Haroon," a/k/a "Haroon

The Grand Jury further charges:

PROVIDING MATERIAL SUPPORT
AND RESOURCES TO A FOREIGN TERRORIST ORGANIZATION
(THE BLY, OREGON JIHAD TRAINING CAMP)

COUNT SIX

11. In furtherance of said conspiracy, and to effect the illegal object thereof, the following overt act, and the overt acts set out in Count Three of this Indictment which are incorporated herein by this reference, were committed in the Southern District of New York and elsewhere:

a. On or about October 25, 1999, MUSTAFA KAMEL MUSTAFA, the defendant, received a facsimile proposal in London, England, regarding the creation of a jihad training camp in Bly, Oregon.

(Title 18, United States Code, Section 2339B(a)(1).)

of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003.

Overt Acts

13. From in or about October 1999, up to and including in or about May 2002, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, within the jurisdiction of the United States, unlawfully and knowingly combined, conspired, confederated and

The Grand Jury further charges:

CONSPIRACY TO KILL, KIDNAP, MAIM,
AND INJURE PERSONS IN A FOREIGN COUNTRY
(THE BLY, OREGON JIHAD TRAINING CAMP)

COUNT SEVEN

Aswat," the defendants, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, within the United States and subject to the jurisdiction of the United States, unlawfully and knowingly did provide, and attempt to provide, material support and resources to a foreign terrorist organization, to wit, a terrorist organization known as "al Qaeda" and led by Usama Bin Laden, which was designated by the Secretary of State as a foreign terrorist organization on or about October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003. (Title 18, United States Code, Sections 2339B(a)(1) and 2.)

future.

learn these techniques because they might have to use them in the on how to make bombs and poisons, and told them that they should distributed to several individuals a cd-rom containing instructions the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR, the defendant, b. In or about December 1999, after he arrived at

combat.

throat with a knife and how to fight with a knife in hand-to-hand taught two individuals how to kill a person by slitting their the Bly, Oregon property, OUSSAMA ABDULLAH KASSIR, the defendant, a. In or about December 1999, after he arrived at

incorporated herein by this reference, were committed:

acts set out in Count Three of this Indictment which are illegal objects thereof, the following overt acts, and the overt 14. In furtherance of said conspiracy, and to effect the

Overt Acts

maritime and territorial jurisdiction of the United States.

murder, kidnapping, and maiming if committed in the special the United States an act that would constitute the offense of agreed together and with each other to commit at a place outside

16. It was a part and an object of the conspiracy that OUSSAMA ABDULLAH KASSIR, the defendant, and others known and unknown, would and did provide material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they

15. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339A of Title 18, United States Code.

The Grand Jury further charges:

CONSPIRACY TO PROVIDE AND CONCEAL
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(KASSIR'S TERRORIST WEBSITES)

COUNT EIGHT

c. In or about May 2002, OUSSAMA ABDULLAH KASSIR, the defendant, called one of the individuals who had been present at the Bly, Oregon property to inquire about the arrest of another individual who had been present at the Bly, Oregon property by counterterrorism agents in the United States. (Title 18, United States Code, Section 956(a).)

with the operation of a website with the web address bombs, and other weapons which he had accumulated in connection defendant, stored on his personal computer images of firearms, including in or about October 2003, OUSSAMA ABDULLAH KASSIR, the c. From in or about March 2002, up to and

build bombs and make poisons. terrorist materials and information and instructions on how to www.alqag3q3a3.8m.com, which contained, among other things, in White Plains, New York, with the web address KASSIR, the defendant, established a website on an internet server b. In or about March 2002, OUSSAMA ABDULLAH materials and information and instructions on how to build a bomb. mil.fathweb.com, which contained, among other things, terrorist KASSIR, the defendant, established a website with the web address a. In or about December 2001, OUSSAMA ABDULLAH were committed in the Southern District of New York and elsewhere: illegal object thereof, the following overt acts, among others, 17. In furtherance of said conspiracy, and to effect the

Overt Acts

commission of such violation. and in carrying out, the concealment of an escape from the and destroy property in a foreign country), and in preparation for, (conspiring to kill, kidnap, maim, and injure persons and to damage violation of Section 956 of Title 18, United States Code were to be used in preparation for, and in carrying out, a

18. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly did provide, and attempt to provide, material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 956 of Title 18, United States Code (conspiring to kill, kidnap, maim, and injure persons and to damage and destroy property in a foreign country), and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation.

(Title 18, United States Code, Sections 2339A and 2.)

PROVIDING AND CONCEALING
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(KASSIR'S TERRORIST WEBSITES)

COUNT NINE

(Title 18, United States Code, Section 2339A(a).)

21. In furtherance of said conspiracy, and to effect the illegal object thereof, the following overt act, and the overt acts

Overt Acts

20. It was a part and an object of the conspiracy that OUSSAMA ABDULLAH KASSIR, the defendant, and others known and unknown, would and did knowingly provide material support and resources to a foreign terrorist organization, to wit, a terrorist organization known as "al Qaeda" and led by Usama Bin Laden, which was designated by the Secretary of State as a foreign terrorist organization on or about October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003.

19. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339B of Title 18, United States Code.

The Grand Jury further charges:

CONSPIRACY TO PROVIDE MATERIAL SUPPORT
AND RESOURCES TO A FOREIGN TERRORIST ORGANIZATION
(KASSIR'S TERRORIST WEBSITES)

COUNT TEN

22. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York unlawfully and knowingly did provide, and attempt to provide, material support and resources to a foreign terrorist organization, to wit, a terrorist organization known as "al Qaeda" and led by Usama Bin Laden, which was designated by the Secretary of State as a foreign terrorist organization on or about October 8, 1999, pursuant to Section 219

The Grand Jury further charges:

PROVIDING MATERIAL SUPPORT
AND RESOURCES TO A FOREIGN TERRORIST ORGANIZATION
(KASSIR'S TERRORIST WEBSITES)

COUNT ELEVEN

set out in Count Eight of this Indictment which are incorporated herein by this reference, were committed in the Southern District of New York and elsewhere:

a. In or about March 2002, OUSSAMA ABDULLAH KASSIR, the defendant, posted a document entitled "The Mujahideen Explosives Handbook" to a website he was operating with the web address www.alqag3a3.8m.com.

(Title 18, United States Code, Section 2339B(a)(1).)

24. In furtherance of said conspiracy, and to effect the illegal objects thereof, the following overt act, and the overt acts set out in Count Eight of this Indictment which are incorporated herein by this reference, were committed in the

Overt Acts

23. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, within the jurisdiction of the United States, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to commit at a place outside the United States an act that would constitute the offense of murder, kidnapping, and maiming if committed in the special maritime and territorial jurisdiction of the United States.

The Grand Jury further charges:

CONSPIRACY TO KILL, KIDNAP, MAIM,
AND INJURE PERSONS IN A FOREIGN COUNTRY
(KASSIR'S TERRORIST WEBSITES)

COUNT TWELVE

of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2, 2003.
(Title 18, United States Code, Sections 2339B(a)(1) and 2.)

25. From in or about at least December 2001, up to and including on or about December 11, 2005, in the Southern District of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu Abdullah," a/k/a "Abu Khadija," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, taught and demonstrated the making and use of explosives, destructive devices, and weapons of mass destruction, and distributed information pertaining to, in whole and in part, the manufacture and use of explosives, destructive devices, and weapons of mass destruction, with the intent that the teaching, demonstration, and information be used for, and in furtherance of, activities that constitute Federal crimes of violence, to wit, KASSIR established and operated

The Grand Jury further charges:

DISTRIBUTING INFORMATION RELATING TO EXPLOSIVES,
DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION
(KASSIR'S TERRORIST WEBSITES)

COUNT THIRTEEN

(Title 18, United States Code, Section 956(a).)

address www.alqag3q3.8m.com.

KASSIR, the defendant, posted a document entitled "The Mujahideen Poisons Handbook" to a website he was operating with the web a. In or about March 2002, OUSSAMA ABDULLAH

Southern District of New York and elsewhere:

(Title 18, United States Code, Sections 229(a) and 2.)

build bombs and make poisons.

terrorist materials and information and instructions on how to operated numerous websites, which contained, among other things, threaten to use chemical weapons, to wit, KASSIR established and indirectly, receive, stockpile, retain, own, possess, use, and develop, produce, otherwise acquire, transfer directly and the Southern District of New York, assisted and induced persons to unknown, at least one of whom was first brought to and arrested in Abdullah, "a/k/a "Abu Khadija," the defendant, and others known and of New York and elsewhere, OUSSAMA ABDULLAH KASSIR, a/k/a "Abu including on or about December 11, 2005, in the Southern District 26. From in or about at least December 2001, up to and

The Grand Jury further charges:

PROVIDING ASSISTANCE AND INDUCEMENT IN THE DEVELOPMENT,
PRODUCTION, AND USE OF CHEMICAL WEAPONS
(KASSIR'S TERRORIST WEBSITES)

COUNT FOURTEEN

(Title 18, United States Code, Sections 842(p)(2)(A) and 2.)

and make poisons.

materials and information and instructions on how to build bombs numerous websites, which contained, among other things, terrorist

Overt Acts

28. It was a part and an object of the conspiracy that MUSTAFA KAMEL MUSTAFA, the defendant, and others known and unknown, would and did provide material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 956 of Title 18, United States Code (conspiring to kill, kidnap, maim, and injure persons and to damage and destroy property in a foreign country), and in preparation for, and in carrying out, the concealment and an escape from the commission of such violation.

27. From in or about June 2000, up to and including on or about December 19, 2001, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339A of Title 18, United States Code.

The Grand Jury further charges:

CONSPIRACY TO PROVIDE AND CONCEAL
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(FACILITATING VIOLENT JIHAD IN AFGHANISTAN)

COUNT FIFTEEN

29. In furtherance of said conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about June 2000, Co-Conspirator 2 traveled from London, England, to New York, in part, to raise money for the Finsbury Park Mosque's hijrah fund from worshippers at local mosques. During this trip, Co-Conspirator 2 traveled through Manhattan, New York, on his way to attempt to collect money at a mosque in Long Island, New York. The money collected by Co-Conspirator 2 during this trip was added to the Finsbury Park Mosque's hijrah fund when Co-Conspirator 2 returned to London.

b. In or about November 2000, MUSTAFA KAMEL MUSTAFA, the defendant, asked Co-Conspirator 2, a U.S. citizen, to escort another co-conspirator not named as a defendant herein ("Co-Conspirator 3"), who was one of MUSTAFA KAMEL MUSTAFA's followers, from London, England, to a jihad training camp in Afghanistan operated by a "front-line commander."

c. In or about November 2000, Co-Conspirator 2 took money out of the Finsbury Park Mosque's hijrah fund, which was to be used for certain travel expenses relating to the trip to Afghanistan with Co-Conspirator 3.

d. In or about November 2000, MUSTAFA KAMEL MUSTAFA, the defendant, introduced Co-Conspirator 2 to another co-conspirator not named as a defendant herein ("Co-Conspirator 4") for purposes of arranging safehouses and lodging in Pakistan and

and in carrying out, the concealment and an escape from the and destroy property in a foreign country), and in preparation for, (conspiring to kill, kidnap, maim, and injure persons and to damage violation of Section 956 of Title 18, United States Code were to be used in preparation for, and in carrying out, a material support and resources, knowing and intending that they and disguised the nature, location, source, and ownership of of New York, provided material support and resources and concealed of whom was first brought to and arrested in the Southern District Mostafa," the defendant, and others known and unknown, at least one Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu or about December 19, 2001, in the Southern District of New York 30. From in or about June 2000, up to and including on

The Grand Jury further charges:

PROVIDING AND CONCEALING
MATERIAL SUPPORT AND RESOURCES TO TERRORISTS
(FACILITATING VIOLENT JIHAD IN AFGHANISTAN)

COUNT SIXTEEN

(Title 18, United States Code, Section 2339A.)

thereafter.

Pakistan. Both men separately entered Afghanistan shortly Co-conspirator 3 traveled together from London, England, to e. In or about November 2000, Co-conspirator 2 and safe passage and transportation into Afghanistan.

Section 219 of the Immigration and Nationality Act, and was terrorist organization on or about October 8, 1999, pursuant to Laden, which was designated by the Secretary of State as a foreign a terrorist organization known as "al Qaeda" and led by Osama Bin support and resources to a foreign terrorist organization, to wit, jurisdiction of the United States, knowingly provide material would and did, within the United States and subject to the MUSTAFA KAMEL MUSTAFA, the defendant, and others known and unknown, 32. It was a part and an object of the conspiracy that

Section 2339B of Title 18, United States Code. confederated and agreed together and with each other to violate of New York, unlawfully and knowingly combined, conspired, of whom was first brought to and arrested in the Southern District Mostafa," the defendant, and others known and unknown, at least one Hamza al-Masri," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu or about December 19, 2001, in the Southern District of New York 31. From in or about June 2000, up to and including on

The Grand Jury further charges:

CONSPIRACY TO PROVIDE MATERIAL SUPPORT
AND RESOURCES TO A FOREIGN TERRORIST ORGANIZATION
(FACILITATING VIOLENT JIHAD IN AFGHANISTAN)

COUNT SEVENTEEN

(Title 18, United States Code, Sections 2339A and 2.)

commission of such violation.

of whom was first brought to and arrested in the Southern District of New York, the defendant, and others known and unknown, at least one Hamza al-Masri, a/k/a "Mustafa Kamel," a/k/a "Mustafa Kamel and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Abu or about December 19, 2001, in the Southern District of New York 34. From in or about June 2000, up to and including on

The Grand Jury further charges:

PROVIDING MATERIAL SUPPORT AND RESOURCES
TO A FOREIGN TERRORIST ORGANIZATION
(FACILITATING VIOLENT JIHAD IN AFGHANISTAN)

COUNT EIGHTEEN

(Title 18, United States Code, Section 2339B(a)(1).) commander" in Afghanistan who was expecting Co-Conspirator 3. was in Afghanistan at the time, to seek out the "front-line MUSTAFA, the defendant, sent directions to Co-Conspirator 3, who a. In or about March or April 2001, MUSTAFA KAMEL of New York and elsewhere:

herein by this reference, were committed in the Southern District set out in Count Fifteen of this Indictment which are incorporated illegal object thereof, the following overt act, and the overt acts 33. In furtherance of said conspiracy, and to effect the

Overt Acts

2003. redesignated as such on or about October 5, 2001, and October 2,

The actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Osama bin Laden and the [al Qaeda] organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United

the President found that:

Afghanistan's dominant political force at that time. Specifically, 13129 to deal with the threat posed by al Qaeda and the Taliban, William J. Clinton declared a national emergency in Executive Order 35. On July 4, 1999, President of the United States

The Grand Jury further charges:

CONSPIRACY TO SUPPLY GOODS
AND SERVICES TO THE TALIBAN
(IEEPA VIOLATIONS)

COUNT NINETEEN

(Title 18, United States Code, Sections 2339B(a)(1) and 2.)

2003.

of New York, within the United States and subject to the jurisdiction of the United States, knowingly provided material support and resources to a foreign terrorist organization, to wit, a terrorist organization known as "al Qaeda" and led by Osama Bin Laden, which was designated by the Secretary of State as a foreign terrorist organization on or about October 8, 1999, pursuant to Section 219 of the Immigration and Nationality Act, and was redesignated as such on or about October 5, 2001, and October 2,

38. From in or about the Spring of 2000, up to and including in or about late 2001, in the Southern District of New York and elsewhere, MUSTAFA KAMEL MUSTAFA, a/k/a "Abu Hamza," a/k/a "Mustafa Kamel," a/k/a "Mostafa Kamel Mostafa," the defendant, and others known and unknown, at least one of whom was first brought to and arrested in the Southern District of New York, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate

37. On June 30, 2000, the national emergency with respect to the Taliban was continued. One year later, the national emergency was again continued, pursuant to a finding by President of the United States George W. Bush that "[t]he Taliban continues to allow territory under its control in Afghanistan to be used as a safe haven and base of operations for Osama bin Laden and the [al Qaeda] organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals."

36. In his Executive Order 13129, the President prohibited, among other things, United States persons from making or receiving any contribution of funds, goods, or services to or for the benefit of the Taliban, and from supplying, directly or indirectly, any goods, software, technology, or services to the Taliban or to the territory of Afghanistan controlled by the Taliban.

States.

MUSTAFA KAMEL MUSTAFA, the defendant, Co-Conspirator 2 agreed to b. In or about late 2000, at the request of

controlled by the Taliban. services to Taliban-sponsored programs in the area of Afghanistan urging the defendant's followers to donate money, goods, and website, with the assistance of Co-Conspirator 2, a U.S. citizen, defendant, posted messages on the Supporters of Shariah ("SOS") including at least September 6, 2001, MUSTAFA KAMEL MUSTAFA, the a. From in or about the Spring of 2000, up to and

were committed in the Southern District of New York and elsewhere: illegal object thereof, the following overt acts, among others, 40. In furtherance of said conspiracy, and to effect the

Overt Acts

545.201. blocked pursuant to Title 31, Code of Federal Regulations, Section and to persons whose property and interests in property were Taliban, to the territory of Afghanistan controlled by the Taliban, conspire to unlawfully supply funds, goods, and services to the United States person, along with others known and unknown, did Chapter 35 of Title 50, United States Code, in that at least one did unlawfully and knowingly violate a regulation issued under MUSTAFA KAMEL MUSTAFA, the defendant, and others known and unknown, 39. It was a part and an object of the conspiracy that 545.204 and 545.206(b) of Title 31, Code of Federal Regulations. Section 1705(b) of Title 50, United States Code, and Sections

deliver Co-Conspirator 3, a person desiring to undergo violent jihad training, to an individual located in the territory of Afghanistan controlled by the Taliban.

c. In or about late 2000, at the request of MUSTAFA KAMEL MUSTAFA, the defendant, Co-Conspirator 2 delivered compact discs containing MUSTAFA KAMEL MUSTAFA's statements to certain individuals located in the territory of Afghanistan controlled by the Taliban.

d. From in or about March 2001, up to and including at least September 6, 2001, MUSTAFA KAMEL MUSTAFA, the defendant, and Co-Conspirator 2 discussed plans to establish a computer lab in Afghanistan. During these discussions, MUSTAFA KAMEL MUSTAFA, the defendant, stated that he wanted the computer lab to be located in Kandahar and to service Taliban officials and the Afghan people located in Kandahar, which was then controlled by the Taliban.

e. On or about September 6, 2001, Co-conspirator 2 departed London, England for Pakistan, and then Afghanistan. Prior to his departure, MUSTAFA KAMEL MUSTAFA, the defendant, gave Co-conspirator 2 approximately six thousand British Pounds which were, in part, to be used to lease a building which would house the computer lab and to pay for some of the start up expenses for the computer lab.

(Title 18, United States Code, Section 371;
Title 50, United States Code, Section 1705(b); and
Title 31 Code of Federal Regulations,
Sections 545.204 and 545.206(b).)

Michael J. Garcia
MICHAEL J. GARCIA
United States Attorney

Bruce Forsberg
FOREPERSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

MUSTAFA KAMEL MUSTAFA,
a/k/a "Abu Hamza,"
a/k/a "Abu Hamza al-Masri,"
a/k/a "Mustafa Kamel,"
a/k/a "Mostafa Kamel Mostafa,"
OUSSAMA ABDULLAH KASSIR,
a/k/a "Abu Abdullah,"
a/k/a "Abu Khadija," and
HAROON RASHID ASWAT,
a/k/a "Haroon,"
a/k/a "Haroon Aswat,"

Defendants.

INDICTMENT

S2 04 Cr. 356 (JFK)

(Title 18, United States Code,
Sections 2, 229(a), 371, 842(p)(2)(A),
956(a), 1203, 2339A, and 2339B,
and Title 50, United States Code,
Section 1705(b))

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL

Gregg Burdick
Foreperson.

*Filed 2/6/06
Indictment
Pitman*